Standards for Special Education

Amended June 2004

ACCESS

APPROPRIATENESS

ACCOUNTABILITY

APPEALS

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Alberta
LEARNING

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Web site: http://www.learning.gov.ab.ca/k_12/specialneeds

This document applies to grades 1–12 special education in public and separate school boards, including Francophone education regional authorities, but excluding charter schools, and is intended for:

Teachers	✓
Administrators	✓
Parents	✓
General Public	✓
Other	✓

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GOVERNMENT OF ALBERTA

DEPARTMENT OF LEARNING

MINISTERIAL ORDER (#015/2004)

I, Dr. Lyle Oberg, Minister of Learning, pursuant to Section 39(1)(f) of the ***School Act***, make the order in the attached Appendix, which approves standards for the provision of special education to students in Alberta.

DATED at Edmonton, Alberta June 7th, 2004.

MINISTER OF LEARNING

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Foreword

Requirements contained in this document apply to grades 1–12 special education in public and separate school boards, including Francophone regional education authorities, but excluding charter schools, in accordance with Ministerial Order 015/2004 and are effective September 1, 2004.

Standards for Special Education, Amended June 2004 supports Alberta Learning's Business Plan goal to have high quality learning opportunities that ensure the learning system meets the needs of all learners and society.

Special education refers to the education of students with mild, moderate, or severe disabilities and those who are gifted and talented. It is founded on the belief that all children can learn and reach their full potential given opportunity, effective teaching and appropriate resources. Instruction, rather than setting, is the key to success and decisions related to the placement of students are best made on an individual basis in a manner that maximizes their opportunity to participate fully in the experience of schooling.

In Alberta, educating students with special education needs in inclusive settings is the first placement option to be considered by school boards in consultation with parents and, when appropriate, students. Inclusion, by definition, refers not merely to setting but to specially designed instruction and support for students with special education needs in regular classrooms and neighbourhood schools.

Rights and responsibilities related to special education are included in the *School Act*. School boards are required to provide each resident and enrolled student with identified special education needs with access to a special education program. Parents have a right and responsibility to work with boards to ensure their children's special education needs are met, subject to limitations based on reasonableness in each circumstance. In every case, the best educational interest of the student is the paramount consideration for decision-making and programming.

Standards for Special Education, Amended June 2004 requires school boards to identify and deliver effective programming for students with special education needs in grades 1–12. It promotes consistent and enhanced quality of educational practice within our province, so that irrespective of location, students with special education needs can access appropriate programming and services. Alberta Learning acknowledges the importance of local autonomy, flexibility and choice in meeting the diverse learning needs of students.

This document outlines the requirements for school boards regarding the delivery of education programming and services to students with special education needs in grades 1–12. These requirements are organized into the following four areas:

- Access — students with special education needs are entitled to have access in a school year to an education program in accordance with the *School Act*. Students with special education needs receive adapted or modified programming that enables and improves learning.
- Appropriateness — educational programming and services are designed around the assessed needs of the student and are provided by qualified staff who are knowledgeable and skilled.
- Accountability — the obligation to answer for the execution of one's assigned responsibilities.
- Appeals — timely, fair and open processes protect the rights of students and parents and address differences of opinion about the education of students with special education needs.

Definitions

In these standards,

"Adapted programming" means programming that retains the learning outcomes of the Program of Studies and where adjustments to the instructional process are provided to address the special education needs of the student.

"Assessment" means the ongoing process of collecting information about students using a number of formal and informal methods across a variety of domains relevant to performance (behavioural, communicational, intellectual, learning or physical characteristics) to develop and implement appropriate programming to support student learning.

"Consultation" means a process that gives parents of students with special education needs and, where applicable, students the opportunity to assist in making decisions about all aspects of programming and placement. Consultation includes conferencing and meeting with school staff.

"Diagnostic information" means the results of formal and informal assessments that identify students' areas of strengths and weaknesses and which are used to determine individualized programming for students.

"Early identification" means the process used to identify students with special education needs at the earliest possible time, prior to or subsequent to their entry into school.

"Inclusive setting/inclusion" means specially designed instruction and support for students with special education needs in regular classrooms and neighbourhood schools.

"Individualized Program Plan (IPP)" means a concise plan of action designed to address students' special education needs, and is based on diagnostic information which provides the basis for intervention strategies, and includes the following essential information:

- assessment data
- current level of performance and achievement
- identification of strengths and areas of need
- measurable goals and objectives
- procedures for evaluating student progress
- identification of coordinated support services (including health-related), if required
- relevant medical information
- required classroom accommodations (e.g., any changes to instructional strategies, assessment procedures, materials, resources, facilities or equipment)
- transition plans
- year-end summary.

"Informed consent" means that the individual:

- has been provided with all information relevant to the activity for which consent is sought
- understands and agrees, in writing, to the carrying out of the activity for which his or her consent is sought
- understands that the granting of consent is voluntary and may be withdrawn at any time.

"Learning team" means a team that consults and shares information relevant to the individual student's education and plans special education programming and services as required. The team may consist of the classroom teacher, parents, students (where appropriate), other school and jurisdiction staff aware of the students' needs, and others as required.

"Level of performance" means assessed skill development in academic and other areas such as adaptive functioning, behaviour, cognition, communication and physical development.

"Modified programming" means programming in which the learning outcomes are significantly different from the provincial curriculum and are specifically selected to meet students' special education needs.

"Neighbourhood or local school" means the school students would normally attend with siblings and neighbours.

"Parents" means the biological parents or adoptive parents, or the individual who has legal custody or guardianship of students.

"Placement" means the setting in which the special education programming or service is delivered to students.

"Referral" means arranging for students to receive specialized assessment and/or intervention.

"Specialized assessment" means individualized measurement across a variety of domains for the purpose of developing and providing individualized programming for students. Specialized assessment includes assessment of intellectual abilities, academic performance, emotional and behavioural development and physical development relevant to students' educational performance.

"Students with special education needs" means students described in section 47(1) of the *School Act* as being in need of special education programming because of their behavioural, communicational, intellectual, learning or physical characteristics or a combination of those characteristics.

"Transition planning" means a consultative process that involves students, parents, other professionals, receiving school staff, and community agencies, as appropriate, to enable students to prepare for and successfully make changes (school entry, between grades/levels of schooling and upon school completion).

Access

Students with special education needs are entitled to have access in a school year to an education program in accordance with the *School Act*. Students with special education needs receive adapted or modified programming that enables and improves learning.

Informed Consent

1. School boards must:
   a. obtain parents' informed written consent for specialized assessments or referral
   b. in cases when parents refuse consent, document and place in the student record the reasons for refusal and/or actions undertaken by the school board to obtain consent.

Identification

2. School boards must:
   a. develop and implement written procedures for early identification, referral and assessment of students with special education needs
   b. involve parents and, when appropriate, students in the screening, identification and referral process
   c. request information from parents that is relevant to students' education when students enter the education system
   d. provide information to school staff and parents that describes characteristics used to identify special education needs of students in one or more of the following areas:
      - physical
      - behavioural, i.e., social/adaptive
      - communicational
      - cognitive/intellectual
      - academic
   e. make available, as early as possible, training for staff that will enhance the school board's ability to identify and program for students with special education needs
   f. develop or utilize formal and informal checklists, screening tools and/or standardized assessments that will assist in the early identification of students.

Assessment

3. School boards must:
   a. use a number of assessment strategies and data to determine eligibility for special education programming and services
   b. report results of assessments to parents, teachers and others involved with students' programming
   c. use results of assessments to make decisions, develop Individualized Program Plans (IPPs), assign support services and/or determine adapted or modified programming for students
   d. use assessment data to develop, implement and evaluate the effectiveness of programming and services provided to students with special education needs.

Specialized Assessment

4. School boards must:
   a. have written procedures for referral of students requiring specialized assessment
   b. base referrals on a variety of indicators such as:
      - screening procedures
      - teacher assessment and observation
      - parent information
      - previous assessments
   c. obtain parents' written informed consent for specialized assessment or referral
   d. use qualified professionals to conduct specialized assessments, interpret results, and provide program recommendations to parents, teachers and others involved with students' programming
   e. work collaboratively, when appropriate, with other service providers and/or appropriate professionals to complete the specialized assessments
   f. complete, when required, specialized assessments within a reasonable time (recommended guideline is within eight weeks unless there are extenuating circumstances) from the date of written referral including completion of a written report
   g. follow the expectations outlined in Alberta Learning's *Standards for Psycho-educational Assessment* and by the standards and guidelines set by professional organizations for their members.

Right of Access to Records

5. School boards must:
   a. provide parents with access to information contained in the student record, including results of specialized assessments and student progress reports, in accordance with the *Student Record Regulation*.

Coordinated Services

6. School boards must:
   a. work together with members of the community, who have an interest in students in schools, to meet the special education needs of students, including students and their families, community agencies, organizations and associations, other education authorities, regional health and children's services authorities
   b. develop, keep current and implement written local policy and procedures for working with other members of the community to design and deliver services for students with special education needs; local policies and procedures will be consistent with provincial legislation, regulation and policy
   c. obtain written informed consent from parents to provide coordinated services to students, when required, and as identified in students' IPPs
   d. take an active role to initiate or participate in working together with other members of the community to improve services for students with special education needs
   e. have written procedures for accessing, recording, and sharing medical information and for storing and/or administering medications
   f. when required to administer health-related support services to students in schools, provide staff with training by qualified professionals or other individuals with expertise, including parents.

Appropriateness

Educational programming and services are designed around the assessed needs of students and are provided by qualified staff who are knowledgeable and skilled.

Professional Standards

7. School boards must:
   a. ensure teacher practice is in keeping with the Teaching Quality Standard
   b. ensure teachers know and apply the knowledge, skills and attributes to accommodate individual differences for students with special education needs
   c. support teachers' ability to monitor the effectiveness of their practices and adjust practices as necessary.

Parent Involvement in Decision-making

Whereas, in accordance with the Preamble of the *School Act*, parents have a right and responsibility to make decisions respecting the education of their children;

8. School boards must:
   a. ensure parents have the opportunity for participation in decisions that affect students' education
   b. ensure parents have information needed to make informed decisions
   c. invite meaningful involvement of parents in planning, problem-solving and decision-making relating to students' special education programming.

9. Parents should:
   a. work with boards to ensure their children's special education needs are met, subject to limitations based on reasonableness, in accordance with section 2 of the *School Act*.

Placement

10. School boards must:
    a. ensure that educating students with special education needs in inclusive settings in neighbourhood or local schools shall be the first placement option considered by school boards, in consultation with parents, school staff and, when appropriate, the student
    b. determine the most enabling placement in a manner consistent with provincial special education policies, in consultation with parents, and based on current assessment data.

Individualized Program Planning, Implementation and Evaluation

11. School boards must:
    a. ensure that IPPs are developed, implemented, monitored and evaluated for all students identified as having special education needs
    b. identify principals as accountable for the delivery and implementation of school-based special education programming and services
    c. provide teachers of students with special education needs with relevant resources and access to related professional development opportunities
    d. ensure principals identify teachers whose responsibility it is to coordinate, develop, implement, monitor and evaluate student IPPs
    e. ensure the school has a process and learning team to provide consultation, planning and problem-solving relating to programming for students with special education needs
    f. ensure teachers:
        - involve parents and, when appropriate, students and other professionals in the development, implementation, monitoring and evaluation of students' IPPs
        - document, in the IPP, the formal review of students' progress, at regularly scheduled reporting periods
        - throughout the year, provide feedback during informal reviews to parents and, when appropriate, students
        - make changes to the IPP, as required
        - obtain written informed parental consent on IPPs to indicate agreement with the IPP
        - in cases when parents refuse consent, document the reasons for refusal and/or actions undertaken by the school to obtain consent and/or resolve concerns

- ensure IPPs are placed in student records and access to the IPP complies with the *Student Record Regulation* and *Freedom of Information and Protection of Privacy (FOIP)* legislation

g. ensure teacher assistants work under the direction of a certificated teacher to realize students' goals, as outlined in their IPPs.

Accountability

Accountability is the obligation to answer for the execution of one's assigned responsibilities.

Reporting — School Board Policy and Procedures

12. Schools boards must:
    a. ensure that (consistent with this standards document, provincial legislation, and provincial policies) local written policies and procedures are developed, kept current, implemented and available to the public
    b. have written descriptions of local programming and service options for students with special education needs available to the public
    c. have written descriptions of the role of boards and staff who provide programming and services to students with special education needs available to the public
    d. ensure that written local policies and procedures provide for access, appropriateness, accountability and appeals.

Reporting to Parents

13. School boards must:
    a. ensure that students' IPPs include information about students' current level of performance and academic achievement relative to identified learner outcomes included in the provincial curriculum
    b. inform parents of students' progress, at regularly scheduled reporting periods, throughout the year.

Program Monitoring and Evaluation

14. School boards must:
    a. use planning, assessing, monitoring and reporting to improve the quality of education provided to students with special education needs
    b. monitor and evaluate the effectiveness of special education programming and services
    c. report expenditures and achievements related to special education programming and services as part of the annual planning and reporting cycle.

Participation in Provincial Assessments

15. School boards must:
    a. ensure that special provisions for testing*, including school-based and provincial tests, are available to students with special education needs throughout the course of the year, as required
    b. delegate to the superintendent, the responsibility for determining whether individual students can be excused from writing a provincial achievement test based on the conditions outlined in the *General Information Bulletin* – Achievement Tests.

*for further details about special provisions for provincial tests see the *General Information Bulletin* – Achievement Tests and *General Information Bulletin* – Diploma Exams

Appeals

Timely, fair and open processes protect the rights of students and parents and address differences of opinion about the education of students with special education needs.

Special Education Appeals

16. School boards must:
    a. have written procedures for timely, fair and open dispute resolution and appeals
    b. establish written procedures to hear appeals from parents or, where applicable, students regarding decisions that significantly affect the education of students with special education needs
    c. make every reasonable effort at the school and jurisdiction level to resolve concerns collaboratively with parents
    d. advise parents of their right to make a formal appeal of decisions regarding the special education needs of their children, and inform them of the appeal procedures of the board
    e. advise parents of their right to request that the Minister of Learning review the board's decision if they are not satisfied with the decision.

References

Please refer to current editions of the following for additional information:

School Authority Accountability (Policy 2.1.1)
Services for Students and Children (Policy 1.8.1)
Standards for Psycho-educational Assessment
Student Record Regulation

Legislation

***SCHOOL ACT* (Revised Statutes of Alberta 2000 Chapter S-3)**
RELEVANT SECTIONS RELATING TO SPECIAL EDUCATION

Preamble

WHEREAS the best educational interests of the student are the paramount considerations in the exercise of any authority under this Act;

WHEREAS parents have a right and a responsibility to make decisions respecting the education of their children;...

Limitations

2 The exercise of any right or the receipt of any benefit under this Act is subject to those limitations that are reasonable in each circumstance under which the right is being exercised or the benefit is being received.

Right of access to education

8(1) Every individual

(a) who at September 1 in a year is 6 years of age or older and younger than 19 years of age, and

(b) who is

(i) a Canadian citizen,

(ii) lawfully admitted to Canada for permanent residence,

(iii) a child of a Canadian citizen, or

(iv) a child of an individual who is lawfully admitted to Canada for permanent or temporary residence

is entitled to have access in that school year to an education program in accordance with this Act.

(2) A board may permit an individual

(a) who at September 1 in a year is younger than 6 years of age or older than 18 years of age, and

(b) who complies with subsection (1)(b),

to have access in that year to an education program in accordance with this Act.

Responsibility to students

45(1) A board shall ensure that each of its resident students is provided with an education program consistent with the requirements of this Act and the regulations.

(2) Subject to subsection (3) and section 13(3), a board shall direct a resident student of the board to enroll in and attend a particular school operated by the board.

(3) A board shall enroll a resident student of the board or of another board in the school operated by the board that is requested by the parent of the student if, in the opinion of the board asked to enroll the student, there are sufficient resources and facilities available to accommodate the student.

(4) Notwithstanding subsection (3), a board may direct a student who requests enrolment in a senior high school program beyond a 3rd school year to attend a school designated by the board.

(5) A board shall enroll a resident student of the Government in a school operated by the board as requested by the Minister.

(6) A parent of a student enrolled in a school shall not request that the student be enrolled in another school during a school year unless the board operating the other school consents.

(7) A board shall provide to each student enrolled in a school operated by the board an education program consistent with the requirements of this Act and the regulations that will give the student the opportunity to meet the standards of education set by the Minister.

(8) A board shall ensure that each student enrolled in a school operated by the board is provided with a safe and caring environment that fosters and maintains respectful and responsible behaviours.

Special education program

47(1) A board may determine that a student is, by virtue of the student's behavioural, communicational, intellectual, learning or physical characteristics, or a combination of those characteristics, a student in need of a special education program.

(2) Subject to section 48, a student who is determined by a board to be in need of a special education program is entitled to have access to a special education program provided in accordance with this Act.

(3) Before a board places a student in a special education program it shall

(a) consult with the parent of that student, and

(b) where appropriate, consult with the student.

Special Needs Tribunal

48(1) A board may determine that a student has special needs that cannot be met in an education program that can be provided by the board under any other provision of this Act.

(2) If a board makes a determination under subsection (1) in respect of a student, the board shall refer the matter to a Special Needs Tribunal, which shall confirm the board's determination or determine that the board is able to provide the student with an education program that is appropriate to the needs of the student.

(3) If a Special Needs Tribunal confirms the determination of a board under subsection (1), it shall develop or approve a special needs plan that is consistent with the needs of the student and, in accordance with that plan, shall

(a) determine the relationship between the student, the board and any other person or government that may provide the services required under the special needs plan, and

(b) apportion the cost of providing the services required under the special needs plan between the board and the Government.

(4) If a Special Needs Tribunal determines that a board is able to provide the student with an education program that is appropriate to the needs of the student, the board shall provide the student with that education program.

(5) A board and the parent of a student in respect of whom a determination has been made under subsection (1) shall comply with decisions and determinations made by a Special Needs Tribunal under this section.

(6) A decision made by a Special Needs Tribunal under subsection (3) or this subsection shall be reviewed by the same or any other Special Needs Tribunal at least every 3 years after the decision is made until the student is no longer entitled to have access to an education program under this Act.

(7) The Minister may establish one or more Special Needs Tribunals for the purposes of this section.

(8) For the purpose of carrying out its powers under this section, a Special Needs Tribunal and each of its members have the powers of a commissioner under the *Public Inquiries Act*.

(9) A parent or a board may request in writing that the Minister review a decision made by a Special Needs Tribunal under this section.

Appeal to board

123(1) The failure of a person to make a decision is deemed to be a decision that may be appealed under this Division.

(2) Where a decision of an employee of a board significantly affects the education of a student,

(a) the parent of the student, and

(b) in the case of a student who is 16 years of age or older, the student,

or either of them may within a reasonable time from the date that the parent or student was informed of the decision appeal that decision to the board.

(3) For the purposes of this Act, a decision of an employee authorized by a board under section 61(1) to make the decision is deemed to be a decision of the board.

(4) A person who may review a student record under section 23 may appeal to a board a decision of an employee of the board respecting access to or the accuracy or completeness of the student record within a reasonable time from the date that the parent or student was informed of the decision.

(5) For the purposes of hearing appeals under this section, a board shall establish an appeal procedure by resolution.

(6) A board may establish one or more committees for the purpose of carrying out the board's responsibilities under this section.

(7) A board may make any decision that it considers appropriate in respect of the matter that is appealed to it under this section.

(8) A board shall make a decision under this section forthwith after receiving an appeal and shall report that decision to the person making the appeal forthwith.

Review by the Minister

124(1) If a board makes a decision on an appeal to it or otherwise with respect to

(a) the placement of a student in a special education program,

(b) a matter referred to in section 10,

(c) a home education program,

(d) the expulsion of a student, or

(e) the amount and payment of fees or costs,

the parent of a student affected by the decision or the student if the student is 16 years of age or older may request in writing that the Minister review the decision of the board.

(2) Where a dispute arises

(a) as to the amount of fees that are payable by a board to another board under Part 3, or

(b) as to which board is responsible for a student,

a board or other person that is a party to the dispute may request in writing that the Minister review the matter.

(3) A person who may review a student record under section 23 may request in writing that the Minister review a decision of the board, whether made on an appeal to it or otherwise, respecting access to or the accuracy or completeness of the student record.

Powers on review

125(1) The Minister may review a matter as requested in accordance with this Act or the regulations and may review the matter in any manner the Minister considers appropriate in the circumstances.

(2) Where

(a) the Minister reviews a matter under subsection (1), and

(b) the parties to the dispute are unable to settle the matter,

the Minister may, subject to this Act and the regulations, make whatever decision with respect to the matter in dispute that appears to the Minister to be appropriate in the circumstances, and that decision is final.